

**1.6 SUCCESSION**

- 1.6.1 Twenty years after the approval of a Regulating Plan, each Transect Zone, except the T1 Natural and T2 Rural Zones, shall be automatically rezoned to the successional (next higher) Transect Zone, unless denied in public hearing by the Legislative Body.

**ARTICLE 1. SMARTCODE MODULES**

- 1.7 FOR INCENTIVES  
1.8 FOR AFFORDABLE HOUSING INCENTIVES  
1.9 FOR HAZARD MITIGATION STANDARDS  
1.10 FOR HAZARD MITIGATION STANDARDS

### 2.1 INSTRUCTIONS

This section introduces the requirements for Regional Plans, also referenced in some jurisdictions as Area, Sector or Comprehensive Plans. These propose a mapping system of two Open Sectors for the preservation of open space, and four Growth Sectors for various types of development. Article 2 also contains provisions for Special Districts for types of development that cannot conform to the standards of this code.

Regional planning that includes maps is especially important where municipalities contain greenfield lands. It would be less important if the entire scope of planning is clearly G-4 Infill Growth Sector. However, in the absence of a Regional Plan the SmartCode may be adopted to be available as a floating overlay zone, much like a conventional PUD or PD.

**2.1.3** The SmartCode is organized primarily by scales of Community Unit types. This subsection provides a succinct outline of the relationship among Sectors, Communities, Transect Zones and buildings. This is illustrated in the “Outline of the Code” table in the Introduction of this volume.

### 2.3 (O-1) PRESERVED OPEN SECTOR

The Preserved Open Sector is one of two Open Sectors. (See Section 2.4.) There is no development permitted by right in either of them. This sector includes, and maps, areas that have already been protected.

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### 2.2 SEQUENCE OF SECTOR DETERMINATION

For more on the protocol of assigning Growth Sectors, see Appendix II.

**2.2.5** This provision allows a permit process under the jurisdiction’s existing zoning ordinance as a parallel option. If the SmartCode is adopted as the exclusive zoning ordinance, this section should be deleted.

**2.2.6** When allocating the Special Districts, consider existing conditions that should not conform to normative Transect Zones, as well as projected designs that are justified in not conforming. College campuses, refineries, industrial areas, hospital complexes, airports, and some entertainment districts like the San Antonio Riverwalk, are examples of justified districts. Most single-use suburban zoning (housing subdivisions, office parks, apartment clusters, shopping centers and shopping malls) are unjustified districts. Such unjustified districts should be evaluated for Infill development so that they may gradually evolve into normative Transect Zones, if possible.

Special Districts may be addressed by this Code at both the regional scale and at the community scale or both. Generally, larger Special Districts, like airports, should be mapped at the regional scale.

**2.2.7** Rather than increase the burden on government, and to incentivize its use, the TDR system should be carried out by private-sector realtors for market-rate fees.

**2.1 INSTRUCTIONS**

- 2.1.1 This Article governs the preparation of Regional Scale Plans ("Regional Plans") that allocate Sectors. For lands within *Municipality* that have been mapped pursuant to this Article, Sections 2.5 et seq. prescribe the Community Unit types permitted in each Growth Sector. Articles 3 and 4 regulate the standards of those Community Unit types.
- 2.1.2 Regional Plans shall integrate the largest practical geographic area, overlapping property lines as necessary and municipal boundaries if possible.
- 2.1.3 Regional Sectors are defined in Article 2 and are comprised of Open Space and growth areas. Growth areas are intended for the development of Community Units, defined in Article 3 and Article 4, which in turn are comprised of Transect Zones, defined by the elements appropriate to them in Article 5 and Article 6.
- 2.1.4 Regional Plans shall be prepared by the *Planning Office* and/or consultants under its supervision. The process shall involve citizen participation and the approval of the *Legislative Body*.

**2.2 SEQUENCE OF SECTOR DETERMINATION**

- Determination of Sector designations shall be made in the following sequence:
- 2.2.1 The areas to be designated Preserved Open Sector (O-1) shall be mapped using the criteria listed in Section 2.3. The outline of this Sector is effectively the Rural Boundary Line, which is permanent.
- 2.2.2 The areas to be designated Reserved Open Sector (O-2) shall be mapped using the criteria listed under Section 2.4. The outline of this Sector is effectively the Urban Boundary Line which is to be adjusted by the ongoing permitting of New Community Plans or Infill Community Plans in accordance with this Code.
- 2.2.3 The areas to be designated Infill Growth Sectors (G-4) shall be mapped as described in Section 2.8. These areas may be redeveloped according to Article 4 of this Code.
- 2.2.4 All remaining areas shall be available for new development pursuant to New Community Plans submitted and approved in accordance with Article 3 of this Code. These areas shall be assigned to the Restricted Growth Sector, the Controlled Growth Sector, or the Intended Growth Sector using the criteria listed in this Article. Within these Sectors, the Community Unit types of CLD (Clustered Land Development), TND (Traditional Neighborhood Development), and RCD (Regional Center Development), shall be permitted to the extent set forth in Table 2.
- 2.2.5 Within the four Growth Sectors, development according to the *Existing Local Codes* remains as an option.
- 2.2.6 Those areas that cannot or should not conform to one of the Community Unit types shall be allocated to Special Districts. See Section 2.9.
- 2.2.7 A system for the gradual Transfer of Development Rights (TDR) shall be established and administered for the purpose of transferring development rights from the Reserved Open Sector (O-2) to the Growth Sectors as set forth in Section 2.4.3.

**2.3 (O-1) PRESERVED OPEN SECTOR**

- 2.3.1 The Preserved Open Sector shall consist of Open Space that is protected from development in perpetuity. The Preserved Open Sector includes areas under environmental protection by law or regulation, as well as land acquired for conservation through purchase, by easement, or by past Transfer of Development Rights.



### (cont.2.3 Preserved Open Space)

Permanent protection of land has generally occurred through the variety of methods listed here. The municipality should consider what methods actually correspond to its situation and adjust the list accordingly.

**2.3.3** This subsection should be clarified to focus on what is permitted to be built. Examples to consider are roadside rest areas, farmhouses, agricultural buildings, sand and gravel processing plants, or a country store.

## **2.4 (O-2) RESERVED OPEN SECTOR**

Like the Preserve Sector, the Reserve Sector has no development envisioned, but in this case it is still possible as the land is not yet protected by any legally binding method. The O-2 Sector calls attention to land that is intrinsically valuable as open space, but is in jeopardy unless a TDR is enacted. The municipality should consider what sorts of areas should be included in this category and provide for them under paragraph 2.4.2.

**2.4.3** The Transfer of Development Rights is an important tool to convert land from the O-2 Sector to the O-1 Sector in perpetuity. However, in many jurisdictions there is more capacity in the sending areas than growth pressures in the receiving areas for these development rights. In this case, the efficacy of this fundamental tool may be limited.

If TDRs are not used, it is usually necessary to recalibrate upward the Base Residential Density on Table 14b. The Density is set low in this model code to encourage the need for TDRs.

See the sample Regional Plan in Appendix III.

## **2.5 (G-1) RESTRICTED GROWTH SECTOR**

The Restricted Sector is envisioned as rural, consisting of land that is not permanently protected, nor likely to be permanently protected, from development. New Community development here is disincentivized and minimized by the pattern of Clustered Land Development (CLD). See Table 2.

## **2.6 (G-2) CONTROLLED GROWTH SECTOR**

**2.6.2** In the Controlled Sector no lot or accumulation of lots may be developed except as one or more TNDs or CLDs—and these are By Right. This area could theoretically become a vast city of TNDs without any T-6 Zone, i.e., without enough density anywhere to support transit.

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- 2.3.2 The Preserved Open Sector shall consist of the aggregate of the following categories:
- a. surface waterbodies
  - b. protected wetlands
  - c. protected habitat
  - d. riparian Corridors
  - e. purchased Open Space
  - f. conservation easements
  - g. transportation Corridors
  - h. areas residual to Clustered Land Development (CLD)
- 2.3.3 Development and construction within the Preserved Open Sector and the specifications required to do so shall be determined on an individual project basis by public hearing of the Legislative Body.
- 2.4 (O-2) RESERVED OPEN SECTOR**
- 2.4.1 The Reserved Open Sector shall consist of Open Space that should be, but is not yet, protected from development.
- 2.4.2 The Reserved Open Sector shall consist of the aggregate of the following categories:
- a. flood plain, including Special Flood Hazard Areas
  - b. steep slopes
  - c. Open Space to be acquired
  - d. Corridors to be acquired
  - e. buffers to be acquired
  - f. legacy woodland
  - g. legacy farmland
  - h. legacy viewsheds
- 2.4.3 The Reserved Open Sector is a Transfer of Development Rights (TDR) sending area, for the gradual sale of rights for development in the Controlled Growth Sector and the Intended Growth Sector. An owner who has purchased such development rights may exceed the allocated Densities of New Communities as set forth in Section 3.8 and Table 14b. Areas from where development rights have been transferred shall be designated Preserved Open Sector. The Planning Office shall maintain a record of such transfers, updating the regional map accordingly.
- 2.4.4 (For HAZARD MITIGATION STANDARDS)
- 2.5 (G-1) RESTRICTED GROWTH SECTOR**
- 2.5.1 The Restricted Growth Sector shall be assigned to areas that have value as Open Space but nevertheless are subject to development, either because the zoning has already been granted or because there is no legally defensible reason, in the long term, to deny it.
- 2.5.2 Within the Restricted Growth Sector, Clustered Land Development (CLD) shall be permitted By Right.
- 2.6 (G-2) CONTROLLED GROWTH SECTOR**
- 2.6.1 The Controlled Growth Sector shall be assigned to those locations that can support Mixed Use by virtue of proximity to an existing or planned Thoroughfare.
- 2.6.2 Within the Controlled Growth Sector, CLD and Traditional Neighborhood Development (TND) shall be permitted By Right.
- 2.6.3 Any TND on an existing or projected rail or Bus Rapid Transit (BRT) network may

## SMARTCODE ANNOTATED

*These annotations are advisory only. The SmartCode itself appears only on the right side of each spread.*

### (cont.2.6 (G-2) Controlled Growth Sector)

Therefore planners, on the Regional Map, may want to limit the uninterrupted extent of Controlled Growth Sectors or, in the absence of such mapping, write a provision requiring an RCD or TOD (with their higher density) for every certain number of TNDs. See Sections 3.3.3 and 3.3.4.

## 2.8 (G-4) INFILL GROWTH SECTOR

2.8.1 The Infill Sector may consist of existing traditional urbanism and/or conventional suburban development. Both are subject to infill or redevelopment according to Article 4. Such areas may include car-dependent residential developments; greyfield sites such as former shopping malls, office parks, or military bases; industrial brownfield sites, and historic urban areas.

## ARTICLE 2. SMARTCODE MODULES

These Modules are available in this volume, and in electronic form at [www.SmartCodeCentral.com](http://www.SmartCodeCentral.com).

The desired Modules can be integrated into the base code text during calibration, or they may be adopted as addenda to the SmartCode and placed at the end of the document. The integrated method will result in a code that is easier to use. The Modules are numbered for insertion in the correct Articles.

## 2.9 (SD) SPECIAL DISTRICTS

Some areas or uses may be unable to conform to the requirements of any of the six Sectors. These should be assigned Special District designations on a Regional Plan, and each may be coded in detail on Table 16. Conditions would be determined in a public hearing, as would be done for a Planned Unit Development (PUD). If provisions are not written for them in Table 16, the Existing Local Codes shall pertain.

Note that the SmartCode covers Special Districts at both the Regional scale and the Community scale.

See the Annotations at 2.2.6 for more discussion.



be redesignated in whole or in part as TOD and permitted the higher Density represented by the Effective Parking allowance in Section 5.9.2d. The use of a TOD overlay requires approval by Variance.

## **2.7 (G-3) INTENDED GROWTH SECTOR**

- 2.7.1 The Intended Growth Sector shall be assigned to those locations that can support substantial Mixed Use by virtue of proximity to an existing or planned regional Thoroughfare and/or transit.
- 2.7.2 Within the Intended Growth Sector, Communities in the pattern of Regional Center Developments (RCD), as well as TNDs, shall be permitted By Right, .
- 2.7.3 Any TND or RCD on an existing or projected rail or Bus Rapid Transit (BRT) network may be redesignated in whole or in part as TOD and permitted the higher Density represented by the Effective Parking allowance in Section 5.9.2d. The use of a TOD overlay requires approval by Variance.

## **2.8 (G-4) INFILL GROWTH SECTOR**

- 2.8.1 The Infill Growth Sector shall be assigned to areas already developed, having the potential to be modified, confirmed or completed in the pattern of Infill TNDs or Infill RCDs.

## **2.9 (SD) SPECIAL DISTRICTS**

- 2.9.1 Special District designations shall be assigned to areas that, by their intrinsic size, Function, or Configuration, cannot conform to the requirements of a CLD, a TND, or an RCD as set forth in Article 3.
- 2.9.2 Conditions of development for Special Districts shall be determined in public hearing of the [Legislative Body](#) and recorded on Table 16. Alternatively, the provisions of the [Existing Local Codes](#) shall remain applicable to Special Districts.

## **ARTICLE 2. SMARTCODE MODULES**

### **2.4.4 FOR HAZARD MITIGATION STANDARDS**